GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Establishment – JW,CS&WSC Dept. - Disciplinary proceedings against Sri K.Suryanarayana Murthy, Regional Inspector of Probation (Retired), Visakhapatnam – Charges proved - Penalty of withholding of full pension – Andhra Pradesh Administrative Tribunal set – aside the orders in O.A. No. 6752/2011 with certain directions – implemented – Show – Cause Notice issued – Explanation received – Imposition of a penalty of 5% cut in pension for a period of 5 years - Orders issued.

DEPARTMENT FOR WOMEN, CHILDREN, DIFFERENTLY ABLED & SENIOR CITIZENS (PROG.I)

G.O.RT.No. 93 Dated: 09-05-2016

Read the following:-

1) G.O.MS.No.33, Dept. for WCD&SC (JJ), dt:15-07-2011
2) Hon'ble APAT orders dt: 11.03.2014 in O.A.No.6752/2011with VMA No. 845/2013
3) G.O.Rt. No. 209, Dept.for WCD & SCs (Prog.1), dt.05.07.2014.
4) The Enquiry Report of Superintendent, Govt. Spl. Home for Boys, Visakhapatnam, Lr.No.3/ESTT/ GSHB/ VSP/KSM/ENQ/2014-232, dt. 30.10.2014 received through the Director, Lr.No.EA1/33/ 2009-AP, dt. 09.12.2014 of the Director, JW, CS & WSC, A.P., Hyderabad.
5) Representation of Sri K.Suryanarayana Murthy RIP(Retd.), Visakhapatnam, dt: 27.04.2015
6) From the Director, JW,CS&WSC, (A.P.), Hyd.,Lr. No. EA1/33/2009-AP, dt. 27.06.2015 & 16.02.2016
7) Govt. Memo No.1633/Prog.1/A1/2009, dt:09.03.2016.
8) Representation of Sri K.Suryanarayana Murthy RIP(Retd.), Visakhapatnam, dt: 14.03.2016
9) Govt. Memo No.1633/Prog.1/A1/2009, dt:17.03.2016.
10) Hon'ble APAT orders dt: 03.03.2016 in C.A.No.578/2015 in O.A.No.6752/2011
11) Explanation of Show-cause notice of Sri K.Suryanarayana Murthy, RIP (Retd.), Vishakhapatnam, dt: 21.03.2016.
12) Govt. Letter .No.1633/Prog.1/A1/2009, Dated:29/03/2016.
13) From the Prl. Secy., APPSC, Hyd., Lr.No.233/DC&C/2/2016, dt.11.04.2016

ORDER:

In the reference 1st read above, Govt. have issued orders imposing a penalty of withholding of full pension besides treating the suspension period from 03-04-2009 to 28-09-2010 as 'not duty' under FR-54 B on Sri. K.Suryanarayana Murthy, former Superintendent, Children Home for Boys, Eluru, now RIP (Retd.), Visakhapatnam as the charges are held proved against him. Aggrieved by the said orders the Charged Officer has filed O.A.No.6752/2011.

2. In the reference 2nd read above the Hon'ble A.P.A.T. ordered as follows:

> "For the reasons stated under point No.(i), the OA is allowed setting aside G.O.Ms.No.33, Department for WCD&SC (JJ) Deptt., dt:15.07.2011. The matter is remitted back to the Government with a direction to remand the matter back to the Enquiry Officer for further enquiry from the stage of defense evidence and then report. The enquiry officer should Summon the witnesses cited by the applicant and examine them as defense witness. He should also give opportunity to the applicant to adduce his other evidence, if any. Basing upon the said report, it would be open for the Government to take appropriate action in accordance with Rules. The applicant shall be paid provisional pension from the date of his retirement till the date of passing of final orders, so as to enable him to effectively participate in the enquiry. The further enquiry, including passing of final orders thereon, shall be completed within a period of six months from the date of receipt of copy of this order. VMA stand dismissed".

(P.T.O.)

3. Accordingly in the reference 3rd read, the case was remanded back to the Director, Juvenile Welfare, Correctional Services & Welfare of Street Children, Andhra Pradesh, Hyderabad to take necessary action for further enquiry against the individual from the stage of the defense evidence and to submit report along with his findings for taking necessary action and also ordered for payment of provisional pension till the date of passing of final orders in this case.

4. The Director, JW,CS&WSC, A.P., Hyd. vide proceedings No. EA1/33/2009-I & II, dt.30.07.2014 has appointed Sri. S. Keshavacharyulu, RIP, Anantapur and Sri. P.V. Rama Manohar, RIP, Tirupati as Enquiry Officer and Presenting Officer respectively for conducting enquiry. The Charged Officer in his representation dated 27.08.2014 has requested to change the Enquiry Officer and Presenting Officer for conducting further enquiry against him, as they are prejudice and biased against him. Accordingly vide Proceedings EA1/33/2009-I & II, dt.01.09.2014 the Director, JW,CS&WSC, A.P., Hyd. has appointed Sri. B.V. Muralidhar, Superintendent, Spl. Home for Boys, Visakhapatnam and Sri. K. Veeraiah, Superintendent, Observation Home for Boys, Anantapur as Enquiry Officer and Presenting Officer respectively.

5. In the reference 4th read above, the Director, JW,CS&WSC, A.P., Hyd. has stated that after conducting enquiry, the Enquiry Officer submitted his report and the Enquiry Officer in his enquiry report has stated that after completion of enquiry the Charged Officer has given in writing that he has satisfied with the way of conducted the enquiry and none of the defense witnesses have been left over to be examined and no compliant from his side in this regard and has submitted the enquiry report charge-wise. The Enquiry Officer has reported that all charges are not proved.

6. In the reference 5th read above, the Charged Officer has also requested to pass appropriate orders to treat the suspension period as on duty and to pay all of his consequential benefits, as the EO has already submitted enquiry report stating that the charges were not proved.

7. The Government have requested the Director, JW,CS & WSC (AP), Hyd., to furnish her specific remarks on the enquiry report. In the reference 6th read above, the Director, JW,CS & WSC,(A.P.), Hyd., among others with regard to charge –III, has stated that the shortage occurred in stock of ration is notional but not real, but the charged officer who was entrusted the duties of maintaining the Stock Registers, has failed to maintain the stock properly and proper care has not been taken in dealing with financial and also stated that after critical examination of the case it is found that there are procedural defects, negligence, minor irregularities and proper care has not been taken by the charged officer in dealing with financial matters and thereby caused inconvenience to the administration and requested the Government to examine the case and pass orders as deemed fit in the matter.

8. In the reference 7th read above, while communicating the disagreement factors with the findings of the Enquiry Officer, the Charged Officer has been directed to submit his explanation. In the reference 8th read above, the Charged Officer has submit his explanation and requested that the charges framed against him may be dropped as the Enquiry Officer has clearly reported that the charges against him were not proved. He has further stated that he fully agreed with the report of the Enquiry Officer.

9. Govt. after careful examination of the matter, enquiry report of the Enquiry Officer and remarks of the Director, JW,CS&WSC, (A.P.), Hyd. and also the explanation of Charged Officer, have provisionally decided to impose a punishment under Rule-9 of A.P. Revised Pension Rules 1980 to withholding of 5% pension for a period of 5 years besides treating the suspension period from 03.04.2009 to 28.09.2010 as “not on duty” under FR-54 B on Sri. K.Suryanarayana Murthy, RIP (Retd.) Vishakhapatnam.

10 In the reference 9th read above, Govt. issued a show-cause notice to Charged Officer and directed to show cause, as to why the punishment of withholding of 5% pension for a period of 5 years under Rule 9 of AP Revised Pension Rules, 1980 besides treating the suspension period from 03.04.2009 to 28.09.2010 as “not on duty” under FR-

54 B shall not be imposed on him. In the reference 11th read above, the Charged Officer has submitted his explanation to the show–cause notice.

11. In the reference 10th read above, the Hon'ble Tribunal in C.A.No. 578/2015 in O.A.No.6752/2011 in its order dated 03.03.2016 has ordered that finally time is granted till 13.04.2016 for compliance, failing which the personal appearance of Prl. Secry. to Govt, Dept. for WCDA&SCs, A.P., Hyd. on 13.04.2016 at 10.30 am.

12. After careful examination of the entire matter and the representation of the Charged Officer, Govt. have decided to confirm the penalty of withholding of 5% pension for a period of 5 years under Rule-9 of A.P. Revised Pension Rules, 1980 besides treating the suspension period from 03.04.2009 to 28.09.2010 as "not on duty" under FR-54 B on Sri. K.Suryanarayana Murthy, Regional Inspector of Probation (Retd.), Vishakhapatnam, as his representation / explanation has no merits worth consideration.

13. In the reference 12th read above, the Secretary, A.P. Public Service Commission has been requested to communicate the concurrence of the Commission on the penalty as mentioned in para 12 above. In the reference 13th read above, the Prl. Secretary, A.P. Public Service Commission has informed that the Commission agrees with the proposal of the Govt. to impose the punishment of 5% cut in pension for a period of 5 years, besides treating his suspension period from 03.04.2009 to 28.09.2010 as "not on duty" against Sri. K. Suryanarayana Murthy, RIP (Retd.), Vishakhapatnam.

14. Govt. after careful examination of the entire matter and in exercise of the powers conferred under Rule – 9 of A.P. Revised Pension Rules, 1980 read with Rule – 20 of A.P.C.S (CC&A) Rules, 1991, hereby impose the punishment of 5% cut in pension for a period of five (5) years, besides treating the suspension period from 03.04.2009 to 28.09.2010 as "not on duty" under FR-54 B against Sri K.Suryanarayana Murthy, former Superintendent, Children Home for Boys, Eluru, now RIP (Retd.), Vishakhapatnam.

15. A copy of the advice of the A.P.P.S.C., Hyd., dated 11.04.2016 is herewith furnished to Sri. K.Suryanarayana Murthy, RIP (Retd.), Visakhapatnam as required under Rule 23 of A.P.C.S. (CC&A) Rules, 1991.

16. Accordingly appropriate action has been taken in accordance with rules and passed final orders in the matter in compliance of Hon'ble A.P.A.T orders dated 11.03.2014 in O.A.No.6752/2011 with VMA 845/2013.

17. The Director, Juvenile Welfare, Correctional Services and Welfare of Street Children, (A.P.), Hyd. shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. (Smt.) POONAM MALAKONDAIAH
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
Sri K.Suryanaryana Murthy, RIP (Retd.), Visakhapatnam
through the Director, JW, CS & WSC, (A.P.), Hyderabad.
The Director, JW, CS & WSC, (A.P.), Hyderabad.
The Accountant General, A.P., Hyderabad
Copy to:
The Director of Treasuries and Accounts, Hyd.
The Prl. Secretary, APPSC, Hyd.
PS to Hon'ble Minister (WCDA&SCs)
PS to Prl. Secretary to Govt., Dept. for WCDA&SCs
The Govt. Pleader for Revenue, Home, MA&UD,W&CD, APAT, Hyd.
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER